

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Part 90 of the)	
Commission's Rules To Provide)	PR Docket No. 89-552
for the Use of the 220-222 MHz)	RM-8506
Band by the Private Land Mobile)	
Radio Service)	
)	
Implementation of Sections 3(n))	GN Docket No. 93-252
and 332 of the Communications Act)	
)	
Regulatory Treatment of Mobile)	DOCKET FILE COPY ORIGINAL
Services)	
)	
Implementation of Section 309(j))	
of the Communications Act --)	PP Docket No. 93-253
Competitive Bidding, 220-222 MHz)	

To the Commission:

REPLY COMMENTS OF MTEL TECHNOLOGIES, INC.

Mtel Technologies, Inc. ("Mtel"), by its attorney, hereby submits its reply comments in the referenced proceeding.^{1/} In its comments in this proceeding, Mtel focused on one critical component of the proposal set forth in the Third Notice: the possibility of licensing nationwide 220-222 MHz noncommercial systems via auction rather than via random selection from among longstanding applicants. By Mtel's count, at least 20 parties filed comments on this issue. Seventeen of these parties filed comments that opposed, in whole or in part, the Commission's proposal to license by auction. See, e.g., the comments of E.F. Johnson Company, at 3,

^{1/} Second Memorandum Opinion and Order and Third Notice of Proposed Rulemaking, PR Docket No. 89-552 (RM-8506), GN Docket No. 93-252, PP Docket No. 93-253, 60 Fed. Reg. 45,566 (Sept. 7, 1995) ("Third Notice").

expressing general disapproval of any proposal to change licensing rules of existing applicants; comments of the Personal Communications Industry Association, at 5, explaining that the Commission should process the pending applications through the lottery process; comments of Industrial Telecommunications Association, at 8, noting that the FCC can easily request all necessary information from the pending applicants; and comments of Comtech Communications, Inc., at 3, stating that the Commission's proposal is a transparent attempt to raise revenue at the expense of the needs of noncommercial users, the rights of existing applicants, and the development of narrowband technology.

In contrast, only three parties argued in support of the proposal to return pending applications and to assign that spectrum via auction.^{2/} Significantly, none of those three parties is a nationwide noncommercial applicant.^{3/} More importantly, none of these parties provided reasoned analysis weighing the equities and the public need to support its position.

As Mtel explained in its comments in this proceeding, there is only one appropriate way to license a noncommercial nationwide authorization for which applications were filed well over four years ago: use lotteries. It is the only equitable methodology

^{2/} See comment of Metricom, Inc., at 7; SMR Advisory Group, L.C., at 7; and Paging Network, Inc., at 15.

^{3/} One applicant, Echo Group, L.P., at 2, proposed that existing applicants be afforded an opportunity to dismiss their applications and have their filing fees returned, regardless of whether the Commission assigns the 220-222 MHz licenses by auction, lottery, or comparative hearing.

and the only one that is legally permissible. The vast majority of the commenters addressing this issue agreed with Mtel. No one provided any reasoned argument to the contrary.

For all the foregoing reasons, Mtel reiterates that the subject 220-222 MHz nationwide authorizations should be licensed by lottery.

Respectfully submitted,

MTEL TECHNOLOGIES, INC

By: 

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October 12, 1995

CERTIFICATE OF SERVICE

I, Catherine M. Seymour, a secretary in the law firm of Lukas, McGowan, Nace & Gutierrez, Chartered, do hereby certify that I have on this 12th day of October, 1995, have had hand delivered copies of the foregoing "REPLY COMMENTS OF MTEL TECHNOLOGIES, INC." to the following:

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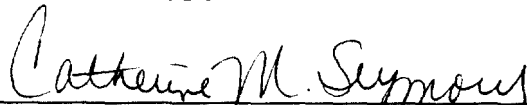
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